

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Curran Communications, Inc.	)	File No. EB-11-PA-0156
Licensee of AM Station WPAM	)	
Facility ID # 14741	)	NOV No. V201232400030
Pottsville, Pennsylvania	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 14, 2012**

By the Acting District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules<sup>1</sup> to Curran Communications, Inc. (Curran), licensee of AM Station WPAM in Pottsville, Pennsylvania. This Notice may be combined with a further action, if further action is warranted.<sup>2</sup>
  
2. On August 10, 2011, agents of the Commission’s Philadelphia Office inspected AM Station WPAM in Pottsville, Pennsylvania and observed the following violations:
  - a. 47 C.F.R. § 11.61(b): “Tests of EAS Procedures. Entries shall be made in EAS Participant records, as specified in 11.35(a) and 11.54(b)(13).” At the time of inspection, Curran was only able to provide the EAS logs for the period between May 23, 2011 and June 27, 2011. Curran stated that it did not have any other EAS logs available.
  
  - b. 47 C.F.R. § 73.1590(a)(6): “The licensee of each AM, FM, TV and Class A TV station, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter as follows: Annually, for AM stations, with not more than 14 months between measurements.” Station WPAM did not have any equipment performance measurements available at the time of inspection.
  
  - c. 47 C.F.R. § 73.1201(a)(2): “Broadcast station identification announcements shall be made: Hourly, as close to the hour as

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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feasible, at a natural breaks in program offerings...” Curran failed to conduct required station identification on station WPAM on the hours of 12:00 PM and 2:00 PM on August 10, 2011.

- d. 47 C.F.R. § 73.1201(b)(1): “Official station identification shall consist of the station’s call letters immediately followed by the community or communities specified in its license as the station’s location; Provided, that the name of the licensee or the station’s frequency or channel number, or both, as stated on the station’s license may be inserted between the call letters and station location...” At the time of inspection, WPAM's station identification track, used for their station identification, did not include the station's community of license.
  
- e. 47 C.F.R. § 73.1560(d): “Reduced power operation. In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see § 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.” Although WPAM is authorized to operate with 1000 watts of power, at the time of inspection, WPAM was operating at 500 watts, or 50% of its authorized power. Curran stated that it was operating at reduced power because of an equipment malfunction and admitted that it had not notified the Commission or filed for Special Temporary Authority.
  
- f. 47 C.F.R. § 73.1800(a): “The licensee of each station must maintain a station log as required by § 73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired.” At the time of inspection, Curran was unable to provide the agents with a station log for WPAM and admitted that they did not maintain a station log.
  
- g. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station

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files.” At the time of inspection, there was no written designation of a chief operator.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Curran Communications, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>
4. In accordance with Section 1.16 of the Commission’s Rules, we direct Curran Communications, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Curran Communications, Inc. with personal knowledge of the representations provided in Curran Communications, Inc.’s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>
5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).’” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. This Notice shall be sent to Curran Communications, Inc. at its address of record.
7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>8</sup>

**FEDERAL COMMUNICATIONS COMMISSION**

David C. Dombrowski  
Acting District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>8</sup> 18 U.S.C. § 1001 *et seq.*